

**EXHIBIT 41**

UNCLASS

16 Nov 05  
N02L  
BRIG

**SUBJECT: DoD Intelligence Interrogations, Detainee Debriefings, and  
Tactical Questioning (DoDD 3115.09)**

**1. Issues:**

a. This new directive establishes policy for gaining intelligence by DoD military, DoD civilian personnel, DoD Contractors, and non DoD persons including non US persons from detained or captured persons.

(1). *Intelligence Interrogations*-the systematic process of using approved approaches to question captured or detained persons to satisfy intelligence requirements consistent with applicable law.

(2). *Detainee Debriefings*-the process of questioning cooperating persons to satisfy intelligence requirements consistent with applicable law. The custody status of the person, (captured or detained) is not relevant, and their cooperation need not be immediate or constant. The debriefer may continue to ask questions until it is clear to the debriefer that the person is not willing to volunteer information or respond to questioning.

(3). *Tactical Questioning*-direct questioning by any DoD personnel of captured or detained person to obtain time sensitive tactical intelligence at or near the point of capture or detention consistent with applicable law.

b. Not covered by this directive is DoD law enforcement or counter intelligence personnel engaged in law enforcement. If however they are primarily engaged in intelligence collection then they to are bound by this directive.

**2. Background:** This directive will impact our Charleston detainee mission.

**3. Discussion:**

a. Policy-all captured and detained personnel shall be treated humanely and in accordance with applicable law and regulations. However, a detained person does not include those detained for law enforcement purposes. The directive specifically prohibits physical or mental torture. Additionally, dogs are specifically prohibited and shall not be used as part of an interrogation approach nor to harass, intimidate, threaten or coerce a detainee.

(1). Medical Issues, appropriate medical treatment, and the timing of treatment are all the province of medical personnel. Detainee's determined by medical personnel to be unfit to undergo interrogation will not be interrogated. Medical information pertaining to detainee's is not absolutely confidential and may be released for law enforcement or national security related activity.

(2). Behavioral Science Consultants, (BSC) are authorized to make psychological assessments of the character, personality, social interactions, and other behavioral characteristics of interrogation subjects and provide advice to authorized personnel performing lawful interrogations. The directive does not discuss the educational background required to qualify as a BSC.

(3). Reports of suspected violations by any DoD personnel, or contractors, of any suspected or alleged violation for which there is creditable evidence must be promptly, thoroughly reported, investigated, and remedied if substantiated. Reports are submitted through the chain of command or for contractors through the commander of the unit they are supporting. Reports may also be filed with IG, SJA, and Military Police.

(4). Suspected violations by non DoD personnel shall be reported to the chain of command. However, investigations of such incidents shall be conducted only at the direction of the COCOM, DoD IG, USD(I) or higher authority.

b. Responsibilities:

(1). USD(I)-Liaisons with DoD and the intelligence community, provides oversight, and implement plans and training related to the three types of interrogations covered in this directive. Refers reportable incidents not involving DoD personnel to applicable Federal agencies, foreign governments, or other authorities.

(2). DIA-will issue appropriate intelligence interrogation training only after review by USD(I).

(3). USD(Personnel and Readiness)-shall implement approved training to support interrogation operations.

(4). SECNAV-implement, plan, program, and budget to train and certify interrogators in accordance with established procedures to support interrogation operations.

b. CFFC impacts;

(1). Detainee Mission:

(a). Per the directive DoD personnel responsible for detention operations including military police, security forces, master at arms, and other individuals providing security for detainee's are responsible for ensuring the safety and well being of detainee's and shall not directly participate in the conduct of interrogations.

(b). Detention personnel however, subject to the detention facility established procedures will report information and observations relevant to interrogations operations such as detainee behavior, attitudes and relationships.

(c). The facility commander in accordance with applicable law and policy may cooperate in responding to requests to facilitate interrogations operations. Disagreements concerning such requests shall be resolved by the JTF Commander, the COCOM, or other designated authority after SJA consultation. Any remaining disagreements shall be resolved by the USD(P).

(d). Non DoD, or non US person who conduct interrogations shall be monitored by a training and certified DoD interrogator. If the other party does not

adhere to DoD policy concerning interrogations the DoD monitor shall terminate the interrogation, and report the violation to higher authorities.

(2). Tactical Questioning is not applicable to the brig.

4. RECOMMENDATIONS:

- a. Brig shall establish reporting procedures consistent with DoDD 3115.09
- b. Brig shall establish procedures for reporting observations of detention personnel consistent with DoDD 3115.09.
- c. Brig shall conduct training to promulgate DoDD 3315.09, and certify with training record entries detention personnel who have completed the training.
- d. Once further training certification and requirements are promulgated by USD(I), the Brig shall ensure all directed personnel complete the required training.

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